

Law Enforcement News

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Allegations of police misconduct imperil homicide cases in Austin

D.A. deplores "anything goes" attitude by investigators

By Jacob R. Clark

A task force of homicide investigators from the Austin Police Department and the Travis County District Attorney's Office have begun reviewing as many as 90 pending homicide cases after District Attorney Ronald Earle accused police of engaging in misconduct while conducting murder investigations.

One senior police homicide investigator has been "indefinitely suspended" — fired — by police officials in the wake of the allegations revealed by Earle at a hastily called press conference Nov. 9.

Earle made the allegations one week after a jury convicted a man of capital murder and sentenced him to death for killing a convenience-store clerk. Lawyers for the convicted man, Alva Curry, moved for a mistrial because police "improperly withheld evidence possibly beneficial to the defendant," Earle said. The motion has since been denied.

The withheld evidence was a con-

fession to the crime for which Curry was convicted that was made by a third party and which was "quickly proven to be false," Earle said.

"Unfortunately, what has happened in the Curry case is not an isolated incident. There are a number of serious cases in which past convictions and pending prosecutions may be jeopardized because of possible misconduct," said Earle. The misconduct involved using improper methods to obtain confessions and statements, obtaining false and incorrect statements and confessions, and concealing possible exculpatory evidence, in violation of state and constitutional law, he said.

Earle said the misconduct appears to be part of an "anything goes" and "the end justifies the means" attitude "among some criminal investigators." The attitudes are "in danger of supplanting the high standards of police work that APD has always maintained."

"Every instance of police misconduct jeopardizes the prosecution and conviction of the criminal," Earle said.

"Every false confession means the real criminal is still roaming our streets."

Since Earle's announcement, yet another defense lawyer has filed a motion for a new trial on behalf of two men convicted in the February 1991 beating death of Travis County Sheriff's deputy William Redman. A statement taken from a witness in the case, John Salazar, who claimed one of the defendants was not at the scene of the murder, was not turned over to the prosecution.

Salazar said he was "coaxed" by police to say he knew who committed the murder, but was actually in police custody a few blocks away from the scene of the crime, according to Claire Dawson-Brown, chief of the public integrity unit in the District Attorney's Office. Salazar told defense lawyers representing Redman's accused killers, Jose Flores and Ernest Perez, that he had made written statements in which he said he did not witness the murder.

The homicide sergeants who investigated the case, Brent McDonald, and

his supervisor, Hector Polanco, were called to the stand and testified there were no written statements.

A grand jury investigated the officers' claims, Dawson-Brown said, and during the probe, the statement was turned up at the Police Department, months after the defendants were convicted in the Redman case. No perjury indictments were returned against McDonald or Polanco, but internal affairs investigators concluded that Polanco had perjured himself. He was placed on a 30-day suspension in September, but refused to sign off on the disciplinary action and was "indefinitely suspended," according to Assistant Police Chief Ray Sanders.

Polanco, who exercised his Fifth Amendment rights against self-incrimination at the new-trial hearing last month, has filed a complaint with the Equal Employment Opportunity Commission. EEOC must make a ruling on the complaint be-

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Phila. PD to play key role in new public/private anti-crime partnership

The Philadelphia Police Department is expected to play an integral role in Urban Genesis, an effort that will work to develop crime prevention and other programs to deal with urban problems, especially those that contribute to crime and disorder.

The nonprofit corporation is said to be the first private and public partnership of its kind in Pennsylvania, and one of the few nationwide to specifically address crime and other urban problems. "To my knowledge, there isn't a District Attorney's Office in the country that has a nonprofit corporation affiliated with it as a crime-prevention tool. This is a first," said District Attorney Lynne Abraham at a Nov. 19 press conference.

The project takes its name from an ongoing multiagency approach to revitalize crime-plagued communities that began in February 1991. Although similar to the Federal Government's

"Weed and Seed" program, Urban Genesis depends on support from Philadelphia's businesses and labor organizations, community groups, banks, foundations and other benefactors, in addition to government sources.

Under the program, police move into targeted areas to arrest drug dealers and other criminals. Other agencies help by boarding up derelict housing, reclaiming and cultivating empty lots, and offering treatment programs to drug users and other services to residents. Local community groups are full partners in the effort, and the participation of residents is a key to ensuring that crime does not return to the target area.

Bill Davol, a spokesman for Abraham, told LEN that police will play a role in determining which areas of Philadelphia will be targeted in Urban Genesis projects.

"Police activity involves surveillance of the areas in which we're inter-

ested," Davol said. "Community organizations will come to us and tell us there's a lot of stuff going on in our neighborhood and ask us to take a look. So the police will go in undercover, get a feel for it, write up reports, and assess the situation. They are the first ones in when an Operation Genesis rolls. They clear out the area and make the arrests."

Police Commissioner Richard Neal "will participate in providing efficient leadership to Urban Genesis so that it is successful in achieving its mission," said police spokeswoman Sgt. Theresa Young.

Urban Genesis will be run by a 15-member board of directors, including Davol and Abraham, who is a non-voting, ex-officio member. It is incorporated, has applied for tax-exempt status and recently attracted its first benefactor, The Fidelity Bank, said Davol. Its fund-raising goal for 1993 is \$300,000, money that may be used to

provide stricter enforcement against "nuisance taprooms," building homes on vacant lots once dominated by crack houses, replacing a factory site that attracted crime with a park and playground or stepping up enforcement against illegal garbage haulers who dump trash on vacant land in neighborhoods.

Davol said he expects more interest from potential donors once the board chooses the corporation's first projects. It was scheduled to meet Dec. 11.

Abraham said the corporation was formed with the realization that "law enforcement and prosecution alone is not enough" to fight crime. "A more comprehensive approach must be taken. We must attack the conditions that cause crime if we are to stem the ever-growing rate of violent offenses and make our neighborhoods safe again. The quality of life in our neighborhoods must be improved," she said.

What They Are Saying:

"Too many people in this department can't tell a black cop from a black criminal. The reason is they haven't been properly trained."

— Eric Adams, president of the New York Transit Police Guardians Association, on the "friendly-fire" shooting of plainclothes officer Derwin Pannell, a black man, by white fellow officers. (7:4)

Mich. sheriff orders a crash course to improve his deputies' driving skills

Citing a rash of accidents involving cruisers that have plagued his agency this fall, a Michigan sheriff recently ordered his deputies to enroll in a 16-hour refresher course intended to get them to drive more defensively.

Oakland County Sheriff John Nichols ordered the refresher course after nine accidents involving deputies occurred in a one-month period. Most of the accidents involved deputies' cars

colliding into "fixed objects — stones, mailboxes, trees" — and some occurred during chases, said Maj. Carl Matheny, Nichols' chief of staff. He said the department's accident review board determined that most of the accidents were avoidable.

But when two cruisers collided in a service area, resulting in \$4,000 damage to a brand-new Camaro, Nichols decided he had enough. He reinstated

a driver training program and ordered deputies involved in recent accidents to complete the course before being allowed behind the wheel again.

"We're hoping to slow this thing down," Matheny told LEN. "They're not banging their own cars up; they're banging the police cars up. They drive differently when they drive their own cars. So we're trying to get it in their

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Around the Nation

Northeast



CONNECTICUT — The son of an ex-police officer was convicted this month in the 1991 slaying of state trooper Russell Bagshaw. Prosecutors say they will seek the death penalty for Terry Johnson, 23.

Hartford police have seized at least five cars and arrested 12 men suspected of patronizing prostitutes since a stepped-up police crackdown began Nov. 21. A state law targeting the property of drug dealers was extended to include johns.

DELAWARE — Cpl. Antonio Asion, one of two Spanish-speaking State Police officers, launched the first of several meetings planned statewide this month to improve relations between troopers and Hispanics. The goals of the meetings are to foster mutual understanding and bring more Latinos into state law enforcement.

DISTRICT OF COLUMBIA — The Pink Panthers, a gay and lesbian anti-crime group, will begin patrolling neighborhoods frequented by gays this month to combat harassment and gay-bashing.

The number of homicides this year has risen to 426, fueled by a four-hour spate of violence Dec. 12 that claimed five lives and injured four others. Police say they hope to end the year with less than the 489 homicides reported in 1991 — the fourth year in a row that homicide figures set a record.

NEW HAMPSHIRE — The blood-alcohol level that determines drunken driving should be lowered to .08 percent from .10 percent, said Governor-elect Stephen Merrill. Recent statistics show that 11 traffic deaths statewide were caused by drivers whose levels were lower than .10 percent.

NEW JERSEY — Bulletin boards displaying posters of missing children will be installed at the state's 49 motor vehicle agencies by January, officials said this month.

NEW YORK — Michael Alston, 35, has pleaded guilty to killing off-duty New York City police officer Keith Levine, who was shot to death last December while trying to prevent a robbery at a midtown Manhattan automatic-teller machine. Alston was sentenced to 15 years to life.

PENNSYLVANIA — Denzel Washington has received accolades for his convincing film portrayal of Malcolm X, but it was a cardboard cutout featuring the gun-toting actor in a pose from the film "Ricochet" that apparently fooled some Lilly police officers recently. After receiving a tip that a video store was being held up by an armed bandit, they rushed into the store and drew their weapons on the cutout.

RHODE ISLAND — Officials of Brown University have rejected a request for firearms made by the school's 22 police officers, saying that arming them does not send a good message and would pose a safety hazard to students. The officers made the request after a

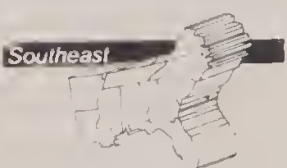
student pulled a gun on an officer at a fraternity party in October.

The Pawtucket Police Department will begin secretly videotaping prostitutes and their customers and will offer the tapes to local TV stations with the faces of prostitutes blotted out. Police Chief Richard DeLeon said the tactic is part of an effort to stop customers from soliciting.

VERMONT — Under a proposal by state Representative Ron Squires to improve court security, law enforcement officers would be barred from carrying weapons into courtrooms. Judges are trying to get funds to allow for the installation of metal detectors in two courthouses.

A state poll found that most state residents are unaware that one in 10 children is abused or neglected before reaching the age of 18, and one in 20 is sexually abused. The findings point to the need for more education of parents, officials said.

Southeast



ALABAMA — Statistics show that 81 juveniles appeared in state courts charged with murder and non-negligent manslaughter in 1991 — nearly double the number in 1987. District Attorney Al Butler says youths are more inured to crime than ever. "You show them a picture of what they've done to a victim. They don't even blink an eye."

FLORIDA — A Dade County judge this month declined to charge Miami police officers Emilio Lopez and John Collins with using excessive force to arrest Fermin Alameda, 63, who died in custody Aug. 9. The judge said the death was accidental, resulting from police efforts to subdue the unruly man. Alameda's autopsy showed three broken ribs and other injuries.

A Tampa defense lawyer for suspected crack cocaine dealer Romeo Mathis, 34, said he'll ask that the court suppress a list of 58 people involved in Mathis's prosecution because Mathis purportedly asked a black magic "root doctor" to cast spells on them. The list was obtained by authorities when the root doctor turned informant.

GEORGIA — U.S. Customs officials are urging agents to pay more attention to Savannah International Airport, where 500 pounds of marijuana have been seized since Key Air Lines moved its hub there a year ago. The amount of drugs exceeded that seized at airports in Orlando, Fla., and Atlanta.

State prison officials said they released a suspect in the slayings of five elderly women early in 1991 to help ease prison crowding. Lyndon Pace, 28, served only seven months of a 30-month sentence for burglaries, including a break-in at the home of Coretta Scott King, the widow of slain civil rights leader Martin Luther King Jr.

LOUISIANA — The state Supreme Court unanimously ruled last month

that minority defendants in criminal cases cannot bar potential jurors from their trials simply because they are white.

MISSISSIPPI — The autobiography of Warren County Sheriff Paul Barrett, a 40-year veteran of law enforcement, is a hot title in the Vicksburg area, where it went on sale this month. The book is called "Don't Bring Trouble to My County."

NORTH CAROLINA — Jury selection began Dec. 15 in trial of Gastonia police officers William Gibby, Kyle Shepard and former officer Steven Phillips, who are charged with conspiring to abuse homeless people. The three are charged with assaulting homeless people between 1987 and 1990. Each could be sentenced to 11 years in prison and fined \$500,000 if convicted.

SOUTH CAROLINA — Violent crime rose sharply in the past decade, according to a report by the state Law Enforcement Division. Robberies and reported rapes were up by over 50 percent from 1982 to 1991. Youths age 21 or under committed 50 percent of the murders and robberies reported in the state during that period.

Authorities searched a wooded area in Anderson County this month looking for two people they believe shot and killed sheriff's deputy Christopher Taylor, 21. Taylor pulled over an Orkin pest control truck that was being driven erratically. The truck was later found to be stolen.

VIRGINIA — Police in Wise will carry child-restraint seats in their cruisers to lend to parents observed driving without them, under a program funded by a \$5,000 grant from the state Department of Motor Vehicles Transportation Safety Administration. K mart donated the seats.

A state commission on sexual assault gave tentative approval this month to a proposal to toughen child sexual-abuse laws and spend millions to treat victims and rehabilitate offenders. The commission is due to vote on the proposal Jan. 7. If approved, it will be sent to the General Assembly.

State Police are warning motorists that it is illegal to take antihistamines, a common ingredient in cold medicines, and drive. Violators face the same penalties as they would for driving under the influence of alcohol or cocaine — up to a year in jail, a \$2,500 fine and a six-month revocation of drivers' licenses.



ILLINOIS — Secretary of State George Ryan said this month he wants to make carjacking a specific crime punishable by 30-year prison terms. Currently, the offense is lumped under auto theft and armed robbery.

State Police seized about 12,400 pounds of illegal substances from motorists this year — most during traffic stops — a 67-percent increase over 1991. Officials say drug courier profile training is partly responsible.

KENTUCKY — A study by the Kentucky Youth Advocates says child abuse costs the state \$58 million each year in victim counseling and jailing expenses.

Washington County Sheriff Donnie Barr pleaded innocent this month to charges that he sexually molested two juvenile relatives. Barr, who was elected in 1989, is accused in incidents dating from 1969. A hearing has been set for Feb. 4.

MICHIGAN — The motorist allegedly beaten to death by four Detroit police officers last month died after his heart and lungs failed because of his injuries, a pathologist testified during a preliminary hearing Dec. 14. Malice Green suffered 14 blows to his face and head that ripped loose part of his scalp and damaged his brain, causing vital organs to fail, said Khalil Jiraki. Ralph Fletcher, a friend of Green, testified he saw two officers wipe blood from their hands and a third wipe blood from a flashlight allegedly used to beat Green as the man lay dying in the street.

The Department of Corrections will not expand its "boot camp" program and may close an existing camp. Officials say eligibility restrictions have caused low inmate participation in the program in which young offenders are instilled with military-style discipline.

Detroit students expelled for bringing weapons to class could be sent to two schools with special teachers and security under a proposal by Superintendent Deborah McGriff. Four to six weeks of violence-prevention counseling would be required before the students are admitted.

OHIO — Officials say Thomas Dillon, 42, who is being held without bond on a weapons charge, may be one of 12 people involved in the serial slayings of five eastern Ohio hunters since 1989. No one has yet been charged in the murders.

WEST VIRGINIA — With the exceptions of cases involving domestic violence or bounced checks, the state Supreme Court ruled this month that citizen complaints cannot go before judges without having been investigated first.

WISCONSIN — A \$193,000 legislative appropriation will allow a crackdown on drunken snowmobilers to continue through the winter. In 1991, 29 people were killed in snowmobile accidents and over half had been drinking.



IOWA — Sally Chandler Halford, 52, was named to head the state Department of Corrections this month. Halford, a 25-year corrections veteran, heads the Lancaster County Department of Corrections in Lincoln, Neb.

KANSAS — The number of inmates in state correctional facilities dropped to 6,048 last month from 6,126 in October. The four-month-long decline means that officials may not have to revert to releasing minimum-security inmates

early to avoid overcrowding.

MISSOURI — Police were within their rights when they seized over \$150,000 from a man because they believed the money was connected to drug trafficking, the U.S. Court of Appeals for the Eighth Circuit ruled this month. The District Court in Kansas City earlier had ordered the money returned to Randy Johnson, who was never charged with a crime.

MINNESOTA — Over 500 Minneapolis-area children have been sexually molested, beaten or neglected by foster parents during the past four years, The Minneapolis Star-Tribune reported this month. Poor foster parent screening and monitoring is to blame, the report said.

NORTH DAKOTA — The Burleigh County Commission has approved \$25,000 to increase security in county courtrooms and will be used to help pay for a walk-through metal detector, a security officer and an ID card/key system for employees. The shooting of Judge Lawrence Jahnke during a child support hearing last May prompted the action.

The number of rapes statewide increased by 25.6 percent between 1989 and 1990, probably because victims are more likely to report the crime, said a state report, which added that violent crime fell by 12 percent.

SOUTH DAKOTA — A \$19-million, three-building addition to the state prison at Sioux Falls was completed this month. The 288-bed facility, which was built to ease overcrowding, was financed from sales taxes and state lottery money.

Crime rose statewide from 1990 to 1991, with the biggest jump — 55 percent — in robberies, said state Attorney General Mark Barnett. The state's low crime rate — ranked 48th among 50 states — attracts more new residents and more crime, he said.



ARIZONA — Pinal County Sheriff Frank Reyes was nominated this month by Senator Dennis DeConcini to become a U.S. Marshal in Arizona. If chosen, he would become the first Latino ever to hold the post. The nomination must be accepted by President-elect Bill Clinton and approved by the Senate.

A judge has refused to block officials in Glendale, Apache Junction and Phoenix from enforcing laws that bar teens from carrying guns without parental consent. The judge did grant a permanent injunction that will keep Tempe from enforcing the ban on weapons in an area of downtown popular with youths. He said the city can't designate the area as a "public event." [Sec LEN, May 15, 1992.]

Tucson police say they don't think there is a connection between a woman's severed arms found washed up on a

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California beach and the arms of Diana Vicari, 19, which were found in a garbage bag in Tucson on Oct. 24. Police have no suspects in the Vicari murder.

The Mesa Police Department will cut back on its involvement with Border Patrol agents in roundups of illegal aliens, Mayor Willie Wong said this month. Under the change, officers will be limited to providing security for Border Patrol agents. The move comes after some detainees claimed they were abused during a September roundup of Asian and Hispanic illegal aliens.

OKLAHOMA — State Human Services investigators may carry guns until a report on the practice is completed in February. Spokesman Bill Drapala said investigators should be armed because they serve arrest warrants.

TEXAS — San Antonio's homicide rate is edging near the record-setting 1990 toll of 218, police said this month. As of Dec. 1, 201 murders had been reported, compared to 189 for the same period in 1991.

Over a ton of cocaine was seized Nov. 30 by Border Patrol agents near Roma. The haul, worth an estimated \$93 million, was seized when someone fired at a Border Patrol agent chasing another suspect.

UTAH — Salt Lake City police were looking for two people suspected of breaking into five police cars and stealing a submachine gun, bulletproof vests and percussion grenades from the vehicles. Another cruiser was taken for a joy ride. One grenade went off in a car full of teen-agers, blowing off the finger of one teen and blasting out the car's window and trunk latch.

Governor-elect Michael Leavitt says he will review the Corrections Department practice of taping inmates' phone calls. State law allows taping, provided that one party is aware of the taping, but Leavitt feels that both parties should be aware they are being recorded.



CALIFORNIA — A pipe bomb placed on the windshield of a pickup truck belonging to a U.S. Customs inspector exploded late last month in Poway, causing \$3,000 damage to the vehicle. The unidentified inspector was not in the vehicle when the blast occurred, and officials say they have no motives or suspects.

The San Diego County auditor is trying to determine how the Sheriff's Department spent \$3.7 million from drug seizures and special funds. Sheriff Jim Roache, who reportedly used part of the funds for a \$26,000 desk and credenza, said he welcomed the probe.

The intersection of Florence and Normandie avenues in South Central Los Angeles — the flashpoint of the riots that broke out following the Rodney King beating verdict — erupted anew Dec. 14 when a rally in support of four men jailed for beating a truck driver

during the riots turned violent. Police arrested 59 people, cordoned off four blocks around the intersection and went on citywide alert as crowds threw rocks and bottles and blocked traffic. One man was killed trying to protect his shop from looters and at least 13 people were injured.

San Francisco's 911 operators answered the average distress call in 5.27 seconds during the past year, a drop-off from last year's response time of two seconds. Officials blame inadequate staffing, increased crime and a 41-percent increase in priority emergency calls for the decline.

San Diego police officer Chuck Merino, 37, said this month he would drop a lawsuit against the Boy Scouts of America if they change their policy that bars gays from participating in scouting activities. Merino was expelled as an adviser to the San Diego Police Department's Exploring program after admitting he was gay. Police Chief Bob Burgreen ended the department's affiliation with the Boy Scouts shortly thereafter. [See LEN, Nov. 30, 1992.]

Ski-masked SWAT team members kicked down the door to the apartment of an elderly Oakdale couple after receiving a bogus tip that the apartment was being used to process methamphetamine. Marian and William Hauselmann, who was injured during the Nov. 28 raid, were held 45 minutes before agents ended their fruitless search for evidence. Stanislaus County Sheriff's Sgt. Bill Welch, who said the tip was "180-degrees wrong," said the agency has apologized to the couple and offered to pay damages.

HAWAII — At least 25 rifles and handguns have been turned into Honolulu police as part of the department's weapons-buyback plan, which began Nov. 29 and was to continue through Dec. 12. Oahu residents receive \$25-\$50 for unwanted handguns and rifles, and \$100 for assault weapons.

IDAHO — A Kootenai County civil rights panel is considering whether to add gays, women and the disabled to the list of those protected against bias crimes. The action stems from an attack on a gay couple in September.

NEVADA — The state Pardons Board ruled this month that Archye Jett is entitled to clemency because of her status as a victim of battered-wife syndrome. The board voted for immediate parole eligibility after being told the abuse was overlooked during criminal proceedings. Jett, who shot her husband, Joseph, to death in 1988, was sentenced to 20 years in prison and is eligible for parole in 1995.

WASHINGTON — Spokane police found a baby girl unharmed in a car that had been carjacked this month by an assailant who shot the child's mother in the face and abandoned the vehicle a short time later. Donna DeHart, 36, was treated for facial wounds and released. Larry Housdan, 38, was being held for attempted first-degree murder, kidnapping and robbery.

Spokane County is denying people access to court records on child sex abuse victims even though a recent court ruling overturned a law ordering the books closed to the public.

Clerks' two-year ordeal ends as harassing Chief resigns

A suburban Chicago police chief resigned without comment Dec. 3, less than two weeks after returning to work from a suspension that stemmed from numerous allegations of sexual harassment made by two female clerks.

Chief Donald Aleksey, who headed the 21-officer Burr Ridge Police Department for two years, had been suspended without pay for 30 days on Oct. 19 by the Board of this Du Page County village. Under the disciplinary action, Aleksey was ordered to undergo a psychological evaluation and provide village officials with a plan to ensure that the harassment would not reoccur. The suspension order also stipulated that Aleksey would be on probation for 90 days once he returned to his post.

The suspension stemmed from allegations that Aleksey sexually harassed two female civilian clerks, Barbara Luckett and Cheryl Malkowski, over the past two years.

LEN was unable to determine what prompted Aleksey's resignation. Village Attorney Terrance Barnicle declined to discuss whether the Chief passed the psychological exam, citing confidentiality concerns. Patricia Argentati, a lawyer who will represent the city in legal actions filed by the two women, said: "We're trying to keep this from being tried in the media. I must be careful about what things I say and don't say."

Claude Franke, who was named to replace Aleksey on an interim basis, was also unwilling to provide information. "I really can't talk about it. Everything is in litigation. Everybody's attorney is saying, 'Don't talk,'" he told LEN.

But Kathleen Zellner, the attorney representing Luckett and Malkowski, said the village never confirmed whether Aleksey passed the psychological exam. She added that the suspension seemed to have little effect on Aleksey's behavior: The women reported two additional incidents of sexual harassment once the Chief returned to work. "He didn't stop and that was the last straw. He resigned once we made those allegations," Zellner told LEN.

Zellner said the 37 incidents took place over the two years Luckett and Malkowski worked for Aleksey, and included verbal harassment, fondling

It's not a gender thing:

Female deputy bounced for sexual harassing males

A female Fairfax County, Va., sheriff's deputy was fired Nov. 30 for sexually harassing three male deputies.

Sheriff Carl R. Peed told LEN it was the first instance in which a female employee of the 400-deputy agency was disciplined for engaging in sexual misconduct. The eight-year veteran, whom Peed declined to name, was found to have touched or "attempted to touch" the genitals of three male colleagues in incidents that occurred in October.

Allegations against the 38-year-old woman were lodged by a witness, not by the deputies involved. Peed pointed out that under the agency's anti-sexual harassment regulations, complaints can be made by a third party.

"We took action based on a third party's information — and it turned out to be true," the Sheriff said, adding that the deputy didn't deny the allegations. "She just said they were horsing around."

and the posting of pornographic pictures with photos of the women's heads superimposed on them. "It was ongoing," Zellner said of the behavior. "He never called them by their names; he just called them 'sluts' or 'bitches.' It was pretty extreme stuff."

Zellner said Aleksey admitted to some of the behavior at a Village Board meeting that she attended, during which she unsuccessfully sought to block his return to the police force.

The women's claims are currently being investigated by the Illinois Human Rights Commission. Zellner said that the State's Attorney's office is also investigating to see whether criminal charges against Aleksey are warranted. A civil suit the women have filed in Du Page County Circuit Court asks for \$1 million in damages "for the infliction of emotional distress, battery and assault," Zellner said. The women will contend

Peed said regulations against sexual harassment have been in place in the Sheriff's Department since 1985, and that several men have been disciplined or terminated for infractions in the past. The regulations are reiterated each time a high-profile sexual harassment case, such as the Navy's Tailhook scandal, makes news. "Not only have we had policies in place, we've been training our employees," Peed added.

The Sheriff said the case shows that anyone — male or female — can engage in inappropriate sexual conduct and it points to the need for employees to be aware of what exactly constitutes sexual harassment. "We can't tolerate it one way or the other," Peed said. "They've got to know where to draw the line. Individuals have to take action to stop the unwanted behavior. It does no good for a man or a woman to sit on the allegations. We've got to empower individuals to set standards of acceptable or unacceptable behavior."

that village officials were negligent because they ignored their repeated claims of sexual harassment.

Zellner said the case shows that "people need to be screened very carefully before they are put in positions of authority. They need to be educated as to what the current state of the law is. A lot of things that were OK before, where people just kind of looked the other way, are not OK now."

She added that she hopes the case will spark training programs about sexual harassment in other law enforcement jurisdictions. "I think whenever you get these job situations where you've got men in positions where they have to be very aggressive to do their job well, and then you've got women working with them, you need to be particularly sensitive to this sort of thing. They need to be educated as to where they might cross the line."

IACP officials aim a few pointed questions at CALEA

A controversial blue-ribbon panel appointed by the International Association of Chiefs of Police met Dec. 3 in Arlington, Va., to address concerns about law enforcement accreditation and the commission that oversees the process.

Dan Rosenblatt, the executive director of IACP, told LEN that the panel is expected to present a draft of its recommendations for strengthening the accreditation process to the IACP executive committee at its scheduled meeting in February.

Rosenblatt characterized the panel's work as a reassessment of the Commission on Accreditation for Law Enforcement Agencies (CALEA), and added he believes it is the first such review since CALEA was formed in 1979 through a joint effort by IACP, the National Organization of Black Law

Enforcement Executives, the National Sheriffs' Association and the Police Executive Research Forum.

The panel was formed in August by the IACP executive committee to address numerous concerns about the accreditation process. Those concerns, outlined in a "President's Message" by then-IACP president C. Roland Vaughn III in the September issue of Police Chief magazine, include whether CALEA standards are too rigid and whether they are "compatible with community-oriented policing."

Other issues the panel seeks to address include the relatively small number of agencies that have achieved accreditation — just over 220 of the nation's estimated 17,000 law enforcement agencies — and whether the cost and time involved in completing the process could have inhibited the number

of agencies in the program.

"Some of the reasons small agencies choose not to apply for accreditation include the expense involved, the lack of available manpower, the amount of work involved, the perception that there is too little to gain from becoming accredited and the inaccurate perception that accreditation is primarily for large departments," Vaughn noted. "Against this backdrop, then, serious questions about the future of accreditation arise. Is it possible that the process is no longer valid? Why aren't more agencies involved? What can be done to strengthen the process?"

The IACP committee's quest is not going over too well with CALEA, whose chairman, Ronald D. Nelson, took issue with some of Vaughn's observations. Writing in the commission's

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Screen test

Coming soon to a theater near you: "The Don Jackson Story."

Jackson, LEN readers may recall, is the black former police sergeant from Hawthorne, Calif., who was roughed up by two white officers as he attempted to document alleged racism in the Long Beach, Calif., Police Department back in January 1989. The case, which was ultimately dismissed against the two officers due to a deadlocked jury, eerily presaged the Rodney King incident because a local NBC news team documented the confrontation on videotape. The tape, widely shown on television, appeared to show one of the officers shove Jackson head first through a plate-glass window. [See LEN, Feb. 14, 1989; April 15, 1989; May 15/31, 1991.]

Now, Jackson's story — focusing on his efforts to expose police abuse — may be coming to the big screen. Executives at Columbia Pictures are currently searching for a writer and director to film Jackson's life story, which has been in development for about two years.

"It's been on hold because the story's not finished," said Jackson, who in January is scheduled to submit a deposition in his civil suit against the two officers in the incident, Mark Ramsey and Mark Dickey. The trial is due to begin later in the year, as are legal proceedings in Jackson's civil suit against the Hawthorne Police Department, for alleged racial harassment that Jackson says made it impossible for him to continue his policing career there.

Jackson, 34, told LEN the proposed film will document "how African-American men are being treated across the country, and how one guy came out of this whole situation to do something about it."

"I don't consider myself a hero, but the people who are doing the project think it's an important story," he added.

Among the backers of the project is the pop singer Dionne Warwick, a relative of Jackson's who will act as co-producer and may contribute a tune or two. "She came to directly to my aid when I was in a jam over a legal situation with the police," Jackson said.

Warwick told LEN that she feared

New York State Police forensic investigator David Harding seemed to have it all — intelligence, good looks and a fast-track career with the law enforcement agency that was bolstered by his work in several high-profile murder cases.

Last month, however, the 34-year-old Harding's world turned upside down when he pleaded guilty to perjury charges in two of four cases in which he allegedly faked fingerprint evidence, and agreed to plead guilty in two other cases to avoid a lengthy prison sentence. As it stands, Harding could be sentenced to four years in a state prison — possibly bunking alongside those serving time for crimes he helped investigate.

Revelations about Harding have embarrassed State Police officials, who are figuring out a damage-control plan to restore the impugned integrity of the agency. In addition, a special prosecutor is poring over dozens of closed cases to find out if Harding used his forensic skills to frame other defendants.

Chief Inspector Francis A. DeFrancesco told The New York Times that the Harding case was the first time in the 75-year history of the State Police that an investigator had deliberately tampered with fingerprints or other evidence in a criminal case. In two cases, Harding is ac-

cused of planting incriminating evidence after detectives had settled on a principal suspect. In two others, he allegedly used evidence to obtain confessions from suspects. Three of the cases involved homicides; another, the robbery and near-fatal beating of an 81-year-old man.

"It's had a terrible impact on everyone, not just the troopers, but other police departments and prosecutors," DeFrancesco said. "I hope people will judge each case by its merits and not think this type of thing goes on all over the state."

The case at the center of the revelations stemmed from the gruesome slaughter of four members of the Harris family in their suburban Ithaca home two days before Christmas in 1989. Harding allegedly obtained the fingerprint of one suspect, Shirley Kinge, apparently at her place of employment, and later contended they were the same prints he had lifted from a gasoline can that was used to set fire to the Harris home after the murders.

Kinge, whose son Michael was shot and killed when State Police troopers moved in to arrest them, was convicted of arson and burglary and sentenced to 30 years in prison. Harding went on to bask in the reputation of having solved the case almost single-handedly.

Because of Harding's admission of wrongdoing in the Harris case, Kinge

was freed from prison after serving two years. Defendants in other cases are petitioning courts to overturn their convictions. In a fourth case, a murder trial was suspended after authorities learned that evidence was tainted. The trial was transferred to Pennsylvania, where authorities now say the victim was killed.

Hubris — the character flaw of excessive pride that often foreshadowed the downfall of characters in Greek tragedies — played a role in the Harding case. In early 1991, Harding applied to the Central Intelligence Agency for a job in covert operations. Although warned by CIA interviewers that any admission of criminal wrongdoing would be disclosed to the proper authorities, Harding boasted during a lie detector test that he had faked evidence in several criminal probes. He also admitted to stealing \$1,000 in a State Police drug sting and falsifying the weight of seized cocaine so that a suspect could be charged with a more serious crime.

Fifteen months later, Harding's admissions finally made their way to State Police headquarters in Albany. Confronted by officials there, Harding explained that the CIA "wanted bad guys" for its counter-terrorism unit. "They told me, 'We don't want any choir or altar boys and we don't want any Boy Scouts,'" Harding said.

The Harding case has authorities scratching their chins, wondering how the investigator was able to ignore State Police protocol and fabricate evidence without coming under the scrutiny of superiors. In each case, Harding produced fingerprints or photographs of prints belonging to suspects already under suspicion and said he had lifted them from crime scenes. But at trial, Harding never provided exhibits in any of the cases that actually showed the prints on the surfaces from which he claimed to have lifted them.

"Whether he was a lone ranger believing in justice, or whether he was in it for the glory, he didn't have any right to do it," said Don Lake Jr., whose sister, Dolores Harris, her husband, and their pre-teen son and teen-age daughter, were the victims in the notorious Ithaca murder case. Harding's aggressive handling of the case — and his apparently sincere desire to solve it — sparked a close relationship with the Lake family.

At the time he was implicated, Harding was working on a book about his State Police career, which began in the mid-1980's when he graduated from State Police Academy at the top of his class and delivered the valedictory address. He was a trooper for only one year before being promoted to the rank of investigator.

for Jackson's safety when she first heard of his activities. But that fear "turned into pride for this individual who was willing to risk danger to expose racism and brutality within law enforcement."

"This is a story that needs to be told because for so long we placed unquestioning acceptance in policemen," she said. "This is not a story to degrade public faith in officers, but rather to alert every community of the presence of individuals who hide their racist acts behind the protection of the badge. These individuals taint the reputation of the majority of good law enforcers."

Warwick added that Jackson's story could help spark reforms within law enforcement. "The selection process, training process, and retraining process

are all target areas for change. Racism and brutality within police departments have existed quietly for too long; it is time to restore faith in the law."

Jackson declined to name actors who could portray him on the screen, and said it might be a role more suitable for an unknown or not-yet-established actor. "I would have to really feel that they got a grip on more than just reading the script," he said. "They would have to know me and really understand the importance of the story."

Jackson said he has no interest in playing a bit part on the movie, but would serve as technical adviser. "My ego is just not in it," he said. But he is playing another role in real life — as the husband of Tyra Ferrell, an actress who has appeared in "Jungle Fever" and "White Men Can't Jump." The pair were married in April. Meanwhile, Jackson is continuing to pursue a master's degree in criminal justice at Penn State University.

to Transit Police spokesman Al O'Leary.

The robber, described as armed with a black-barreled gun, demanded more cash after Obermaier handed over \$31. "What about the money in your wallet?" the robber allegedly demanded. Obermaier told the suspect he had no money and held up an empty wallet as proof. The robber then fled.

Just a few days earlier, Obermaier, who was appointed to the post by President Bush, announced his resignation, effective Feb. 1. His resignation came one day after the resignation of the city's other U.S. Attorney, Andrew Maloney, whose Eastern District office successfully prosecuted mob boss John Gotti earlier this year. Obermaier, whose four-year term would have ended in September, plans to return to private law practice.

Obermaier's office has not commented publicly on the robbery, and no suspects had been apprehended at press time.

also ordered the officer to undergo a psychiatric evaluation.

But the Civil Service board reversed the action because "they felt the punishment was too severe for the alleged violation," said Cpl. Gary Pushee, president of the Police Officers Association of Dearborn, which represented Yinger in his appeal. The board ordered the disciplinary action to be struck from Yinger's record and ordered him paid for the three-day suspension. "We're satisfied with the decision," Pushee told LEN.

Yinger must refrain from writing the number seven in the international style, Pushee added.

Still unclear is whether Yinger will file a civil suit against the city over Deziel's action, Pushee said. Yinger could not be reached by LEN for comment, but told The Associated Press last month he was considering the suit because he feared the discipline would hurt his career.

Yinger, a Dearborn police officer for more than 15 years, said he began in the seventh grade to write sevens in the manner Deziel found objectionable. He continued to do so during a stint in the Navy and as a Navy reservist. He dropped the habit after a warning from Deziel about six months ago, but said he sometimes forgot while writing reports. "I've been making these sevens for 30 years. I never had a problem before," Yinger told The AP.

Deziel said Yinger's distinctive way of writing sevens "was confusing for the typist. He defied the order to stop. He was told he would face disciplinary action."

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If you're without it,
you're just not with it.

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Otto's ordeal

One of New York City's top Federal law enforcers recently found himself in a frightening predicament that is all too familiar to many a New Yorker — being robbed at gunpoint.

U.S. Attorney Otto Obermaier, who is the Federal prosecutor for New York's Southern District, lost \$31 to a gun-wielding mugger who confronted him in a subway tunnel near his downtown Manhattan office on Dec. 1.

"Give me your f— money," the perpetrator snarled at Obermaier during the midday incident, according

Unlucky sevens

A Michigan Civil Service board has reversed disciplinary action against a police corporal who had disobeyed his chief's order not to write the number seven in the so-called international style — with a line through the downstroke.

The Dearborn Civil Service Commission on Dec. 3 invalidated a three-day suspension against Cpl. Brian Yinger, who was disciplined last month by Police Chief Robert Deziel for continuing to cross his sevens after being warned to abandon the practice. Deziel

U.S. Marshals march to the beat of many different drums

Romolo J. Imundi is not your typical U.S. Marshal, or for that matter, not your typical anything. How many people have been in law enforcement

BURDEN'S BEAT

By Ordway P. Burden

for 50 years? And of the few who have, how many still love it?

Last year, Imundi was quoted as being fiercely proud of his long career and thrilled to be a United States Marshal. He is Marshal for the Southern District of New York, which includes New York City, and is one of 94 marshals nationwide who direct some 3,000 deputies. "We make more warrant arrests in the Federal Government than all the other Federal agencies combined," he pointed out. "We just don't get the ink that the other agencies do."

Romolo Imundi is now 74 years old and in his second term as a Presidentially appointed Marshal. Before he was named in 1982 by President Reagan, he had spent 32 years in the New York City Police Department, mostly as a first-grade detective, and eight years as a criminal investigator for the Veterans Administration. As a Marshal, he is responsible for protecting the Federal judiciary and its courthouses, transporting and keeping custody of Federal prisoners, serving arrest warrants, managing property seized in asset-forfeiture cases, and a host of other duties.

The variety of the job may be one of the reasons why the Marshals Service is not in the limelight very often. Henry E. Hudson, who has been Director of the Marshals Service since last winter, points out that over the years marshals have lost many of their law enforcement functions to other Federal agencies. When the service began in 1789 under President George Washington, it had all of the Federal Government's law enforcement responsibilities under its wing, plus some non-enforcement duties, such as taking the census and paying Federal employees.

Hudson told the National Law Enforcement Council, which this writer chairs, that today there are more than 50 Federal agencies that have some jurisdiction over the U.S. Code. The result has been a gradual diminution of the Marshals Service's jurisdiction in many areas. "The men and women in the Marshals Service wonder what our role is going to be — what are we going to do to be a part of law enforcement?" Hudson said. "That's the major challenge I have as Director — trying to define that."

The lack of a clearly defined contemporary law enforcement mission



U.S. Marshal Romolo J. Imundi, fondly known as the "Roman Gladiator" in law enforcement, waves to crowds while acting as Grand Marshal of a local Columbus Day parade.

hurts the service in the battle for funds, the Director said. "Unlike the FBI, DEA, ATF and others that can go to Capitol Hill with their charts and their track record on firearms and drugs and other things that really capture attention, when we go and start talking about moving 21,500 prisoners a day, about shuffling prisoners around the country by air, arresting fugitives, maintaining forfeited assets, maintaining the security of nuclear missiles, and protecting judges and prosecutors — these just aren't the sexy issues," Hudson said.

So the Marshals Service has undertaken an educational campaign to show the House and Senate what the service does and what its role is in carrying out law enforcement programs of the Justice Department. Hudson pointed out that every major move against crime by the Justice Department's agencies creates prisoners that the Marshals Service is required to maintain. "We can never get enough money to support prisoners," he said. "It costs \$700,000 a day to support our prisoner population."

Hudson noted that providing security for Federal courts and court personnel is increasingly challenging. "Every day there is a serious threat to a Federal judge," he said. "And every day there is a serious threat to a prosecutor. These are not just idle threats. They are by people that, unfortunately, are serious." Recently, for the first time ever, the Marshals Service had to move a Federal prosecutor to a different judicial district and give her a new name because of serious threats against her.

Hudson was asked about delays in settling asset-forfeiture accounts with

state and local law enforcement agencies. Some of the delays are due to paperwork, he explained, but mostly it's because of the difficulty of selling seized property. "We're trying to sell forfeited automobiles within 90 days, and my goal is to sell every piece of real property within one year of the day of forfeiture," Hudson said. "But it takes a long time to sell some pieces of property these days."

Henry Hudson has had a long career in law enforcement. He was a deputy sheriff in Arlington County, Va., a commonwealth attorney, and a U.S. Attorney, among other things, before being named to head the Marshals Service, which he called one of the greatest law enforcement organizations in the nation. Among its employees, Hudson said, "I see a level of enthusiasm and motivation that is unparalleled in any group I have ever been affiliated with or had the opportunity to lead."

When he made that comment, Hudson was referring to the service's new graduates from the Federal Law Enforcement Training Center at Glynco, Ga., but he might have been speaking about the nation's oldest Marshal — Romolo J. Imundi, fondly called the "Roman Gladiator" by his legion of friends in law enforcement.

(Ordway P. Burden is president of the Law Enforcement Assistance Foundation and chairman of the National Law Enforcement Council. He welcomes correspondence to his office at 24 Wyndham Court, Nanuet, NY 10954-3845. Seymour F. Malkin, the executive director of LEAF, assisted in the preparation of this article.)

F.Y.I.

(A roundup of capsule information on emerging research and writing, policy and practice, and other professional developments of interest to readers. Those wishing additional information on a given subject should contact the individual and/or organization listed for that item.)

Information, Please

The U.S. Justice Department's Office of Juvenile Justice and Delinquency Prevention has established the National Youth Gang Information Center, under contract to Digital Systems Research Inc. The center will aim to collect and serve as a national clearinghouse for all available literature on criminal youth gangs. The target audience for dissemination purposes will include criminal and juvenile justice practitioners, educators, sociologists and criminologists, urban planners, youth service providers, social workers, researchers, program evaluators, community leaders and legislators. Contact: National Youth Gang Information Center, Digital Systems Research Inc., 4301 North Fairfax Drive, Suite 730, Arlington, VA 22203. 1-800-446-4264.

The Long- and the Short-Term of It

The San Antonio, Tex., City Council recently voted to establish a Crime Prevention Commission, which the National Crime Prevention Council is describing as the "first official municipal prevention commission in the nation charged with developing a long-term as well as a short-term coordinated response to crime problems." The commission will include representatives of law enforcement, civic groups, retirees' organizations, the military, neighborhood associations, business groups, the religious community, education, health-care, housing and the Alamo Area Council of Governments. Expecting to focus on four or five key issues during its first two years, the commission will develop a workable plan to significantly reduce crime and fear in the Greater San Antonio area. Contact: National Crime Prevention Council, Attn.: Terry Modglin, 1700 K Street N.W., Washington, DC 20006. (202) 466-6272, ext. 129.

The Best Defense

Incident report-writing and documentation skills are the focus of a new video training package from the National Crisis Prevention Institute, titled "Documentation: Your Best Defense." The training program, said to be applicable to anyone whose working environment holds the potential for disruptive or assaultive behavior, emphasizes the importance of documentation policies and procedures, provides guidelines for sharpening observation and report-writing skills, and discusses how sound practices can help avert liability suits. The introductory price is \$469. Contact: National Crisis Prevention Institute, 3315-K N. 124th Street, Brookfield, WI 53005. 1-800-558-8976. Fax: (414) 783-5906.

PERFORMANCE Measures

The Police Executive Research Forum has released a report that examines how the structure of law enforcement organizations hampers efforts by police executives to provide quality leadership. "Removing Managerial Barriers to Effective Police Leadership," which is based on a doctoral dissertation by Assistant Chief Norman Stamper of the San Diego Police Department, looks at why police leaders have trouble distinguishing between managing and leading their organizations. Stamper asserts that police executives often fail to properly delegate management functions, adopting a "hands-on" approach that sacrifices effective leadership. Stamper includes an analysis of a sample of more than 50 big-city police chiefs and their assistants, to determine what urban police chiefs value with respect to their community and organizational responsibilities, and whether their assistants perceive them to be acting in accordance with those values in their daily work. Copies of the 195-page book cost \$16.50, plus \$3.50 postage. Contact: PERF Publications, 2300 M Street N.W., Suite 910, Washington, DC 20037. (202) 466-7820. Fax: (202) 466-7826.

Reelin' in the Years

In recent weeks, the Police Executive Research Forum has launched a pair of projects to provide training and technical assistance to police and others. In one project, funded by the U.S. Office of Juvenile Justice and Delinquency Prevention and the National Highway Traffic Safety Administration, PERF will be targeting the problem of alcohol- and drug-impaired driving by juveniles. PERF is currently collecting relevant publications and other information that will enable it to create a model approach that combines aggressive DUI enforcement with enhanced criminal justice cooperation. Contact: PERF, Attn.: Clifford Karchner or Dr. Dan Stern (see address and phone number above).

PERF has also received a grant, from the U.S. Justice Department's Office for Victims of Crime, to improve police response to victims of domestic elder abuse and neglect. PERF will be developing training curriculums that can be tailored to the individual needs of a police agency, along with model policies and procedures, a roll-call bulletin, and other resource materials. Any police agencies, social service providers, criminal justice practitioners or academics who have information that would be useful in crafting a police response on elder abuse are asked to contact PERF, Attn.: Martha Plotkin (see address and phone number above).

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Braiden:

It's time to abolish the jury system

By Chris Braiden

Twenty years ago, when I studied law, I was taught that in our common law system the object of a criminal trial is a search for the truth. But the search for truth is not unbridled. For example, one spouse may not be compelled to testify against the other — except in special circumstances — because our society holds the family more important than a conviction.

Today, however, in criminal trials, juries are employed for exactly the opposite reason — to suppress the truth. Surely, if it achieves nothing else, the Rodney King affair must hammer home the fact that juries have outlived their purpose. Here's why.

There is a new growth industry on the block. It employs lawyers, psychologists and psychiatrists, and others who specialize in the selection of jurors. They have even coined new titles for themselves: court psychologists and court psychiatrists. Their job is to seek out people who can be duped to ignore the truth and persuaded to see things through the eyes of the accused. Some of us are more "connable" than others. These "experts" specialize in finding "connable" people. They can even forecast which gender, race, age group or region of the country is most likely to produce the desired outcome. In short, just like a suit of clothes, these people can deliver a tailor-made jury whose primary objective is to inhibit the search for truth.

And so it has come to pass that the defense will choose trial by jury only in those cases where people can be manipulated to either substitute their emotions for truth or identify with the actions of the accused, no matter how heinous. For example, not many child molesters choose trial by

jury. On the other hand, abused wives who murder their abusive husbands usually do.

The system is not supposed to work that way. It is not the job of jurors to make new law based on their emotions. Even back in the time when juries made sense, James Madison, while framing the Constitution of the United States, warned against allowing passion to rule over reason. There are two parts to a criminal trial: to determine if the act or omission charges was committed by the accused, and that the accused intended the act or omission to occur. Reasons for doing so speak only to sentence.

The Rodney King situation was a case in point. Much is made of what King might have done

before the videotape kicked in. I don't care if he had tried to shoot those police officers before the beating — the magnitude of the force I saw on video was incredibly excessive. Remember that a total of 27 police officers were at the scene prior to or during the beating. If King was trying to escape or attack the four officers charged (both scenarios were offered as excuses), there was more than enough help on hand to render either excuse ridiculous.

Quite simply, the King trial was a classic example of jurors being duped to ignore the truth staring them in the face from a wide screen and in its place buy a cock-and-bull story from several quick-tongued lawyers. "Police are not paid to

lose street fights" and "the thin blue line" are slick clichés that have nothing to do with guilt or innocence. No judge or justice worthy of the title would be swayed by that snake oil.

There are other reasons for abolishing juries.

1) When juries were introduced centuries ago, they were badly needed to ensure justice was done. The law at the time was whatever the English monarch said it was, and the judge was whom ever the monarch arbitrarily chose for the job. The study of the common law was in its infancy. The accused was not allowed to bring witnesses and there were no trained lawyers to present the case on his behalf. Today we have totally independent

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Herron:

An im-pound of prevention

By Chris Herron

One consequence of Oregon's critical shortage of jail space is that drivers convicted of traffic offenses don't do any hard time. This de facto decriminalization of traffic offenses means that a driver may buy a vehicle in a private-party cash transaction and operate it in flagrant disregard of the law, knowing that a police officer who stops him can issue a traffic citation at most. Not uncommonly, a police officer stops a grossly unsafe car driven in a clearly incompetent fashion and finds a driver who has multiple suspensions, no insurance and no car title, and the officer must walk away steaming with frustration over the

criminal justice system's inability to suppress this blatantly dangerous behavior.

Here in Gresham, a 75,000 population suburb of Portland, we had a continuous stream of hit-and-run accidents in which the driver at fault would simply leave his disabled car at the scene and disappear. Since that driver had never titled or registered his car, the police could not track him down and the crimes were never solved. Even in the rare case where an arrest was made, the driver almost never went to jail and would usually be driving another car the next day.

The incident that really rubbed my nose in the situation, however, was a traffic accident in which an illegal alien who had five months of driving experience — and was unlicensed, uninsured, and speeding in his unregistered car — lost control of his car, jumped a curb, crossed two lanes of traffic

onto a sidewalk and ran over a woman pushing her eight-month-old son in a stroller, killing them both.

At that point, probably inspired somewhat by the Portland Police Bureau's seizure policy (see LEN, 10/31/92), I thought that although the police could not arrest these bad drivers, perhaps we could "arrest" their cars. Our Assistant City Attorney, Betty Reed, drafted an ordinance which provided, in essence, that a police officer who encountered an unlicensed, uninsured driver could temporarily impound the vehicle. The driver or vehicle owner could redeem his car by showing the police that he had a valid driver's license and insurance, and by paying the towing and storage charges. The ownership of an unredeemed car would default to the towing company in satisfaction of the charges. The ordinance became effective on May 1, 1992.

During May and June 1992, we impounded 228 cars under this ordinance. A detailed analysis made in July indicated that:

¶ Twice as many cars were impounded on weekends as were impounded on other weekdays.

¶ Forty-two percent of the cars towed came from an area where lower-rent apartments are concentrated.

¶ Fifty-one percent of the cars towed were not redeemed by their owners.

¶ Police officers see the temporary impound as an extremely effective tool to remove bad drivers and unsafe cars from the streets and to encourage drivers to obey the law. They are much less frustrated about the criminal justice system and the support and enforce the impound ordinance enthusiastically.

¶ The great majority of citizens, all of whom had driver's licenses, vehicle registration and insurance, believe that all drivers ought to comply with the law just as they themselves do. They believe that the temporary impound process is warranted by the number of accidents involving unlicensed, uninsured drivers.

We also found that 37 percent of the cars we towed had been driven by persons with Hispanic surnames. Since Gresham's population is probably much less than 37 percent Hispanic, allegations were made that the ordinance had a discriminatory effect on minorities, and that the police were targeting Hispanics for enforcement. We

Continued on Page 10

Letters

Help Wanted

To the editor:

We in Montana request your assistance and that of your readership in an attempt to compile or obtain and implement an effective police marital and family relations in-service training program and whatever support programs possible.

If any agency currently provides such specific and essential training and assistance to their officers, we are very much interested in learning more about it, any available films or videos, texts, program operational guides/manuals, instructional manuals, seminars, etc. Such information and shared materials will be used to fill a deep void in Montana's law enforcement community by those who care and their agencies. Once a compatible, existing program can be found or compiled to address the smaller and budgeted departments of Montana, all will be shared with every department and the Montana Law Enforcement Academy. Any assistance received will be greatly appreciated.

FR. DCN. TERRY L. TYLER
AOCC Director of Chaplaincies
Sts. Michael & Florian Christ's Mission
1206 East Third Street
Anaconda, MT 59711-2704

Color-Blind Policing

To the editor:

In regard to your Oct. 31, 1992, issue, I have noticed that race is a huge issue. Out here it's race and preference — a mess. Whatever happened to hiring the best applicants for the job? If a city is not up to an EEO Index, look into the reasons. Perhaps minority citizens in those areas either do not want to be cops or do not qualify. Should a department worry about balance and not who they hire?

Remember Miami? They ended up with criminals in uniform.

I have nothing against any group, but you must remember a few things. Cops, firefighters and other safety/service types serve the public. The public pays taxes for services. They expect competent personnel when they pick up the phone. The department must set up tough standards to ensure that only the best people get on the job. If a department's membership is not reflective of the city population, there could be a good reason. If minorities don't apply or don't qualify — hey, we all live in America and have an equal chance to do what we want. We can all choose to work and study and move up, or become lawbreakers. America has no "walled off" areas within our cities, holding people back. Our media system can reach everywhere; every person who really wants education and employment can find it. It's not easy, but it does exist.

I go to San Francisco State University, where I study sociology and criminal justice. We have students from all walks of life. Most are poor, but pulled themselves up. They saw the choices offered and took the tough but accessible road to success.

If any group feels it is being put down or denied, wake up! Even Spike Lee said it. The government is not here to take care of slackers and bums who are able but lazy. If groups are sharp enough to protest and scream in the streets, they can get degrees and good jobs. Every time you bring up race, you promote segregation. I was always taught that everybody wanted to be together. What is the deal?

CHRISTOPHER E. LIVINGSTON
Police Officer
United States Mint Police Division
San Francisco

Firing Line

To the editor:

I am not a letter writer, but I'm forced to take time to write after reading your Oct. 31 issue. I have noticed in past issues that the cartoon on the Forum page often has a reference to the NRA. The ones that I have noticed are all blatantly derogatory to that organization and are actually more inflammatory than what is seen in the mainstream liberal press. Why J.D. Crowe would think the NRA, or anyone else, would support the right to possess guns for "homicidal maniacs" of any kind is a mystery to me.

Your decision to put Mr. Steve Osborn's open-minded article in close proximity to this cartoon also confuses me. Is this your way of providing a forum for opposite points of view? I have yet to see an article written by a career criminal, and I wonder just what your policy is in this regard. Further, you list Mr. Osborn's extensive credentials, but not J.D. Crowe's. Is this person a college professor?

I was once a member of the NRA but had not been for 10 years. Recently I renewed my membership. I do not agree with the NRA 100 percent of the time, but as Mr. Osborn pointed out in his article, those Korean grocery store owners in Los Angeles, and more than a few others, were glad they had the right to defend themselves when the police could not.

J.D. Crowe's views are those of someone who has a limited view of the world, and has never had to face the elephant. I am surprised that you would lend your credibility so loosely.

CURT B. MYHRE
Police Officer/Training Adviser
Criminal Justice Institute
Orlando, Fla.

Note to Readers:

The opinions expressed on the Forum page are those of the contributing writer or cartoonist, or of the original source newspaper, and do not represent an official position of Law Enforcement News.

Austin D.A. probes handling of homicides

Continued from Page 1

fore Polanco can file a discrimination lawsuit against the city, said his lawyer, Greg Zaney.

Polanco has appealed to an arbitrator, who will decide in January whether the discipline against the 18-year veteran was too harsh and whether he should be returned to his job, Zaney said. Polanco seeks reinstatement and back pay, added Randy Leavitt, another attorney representing the officer.

A judge is expected to rule on Flores' and Perez's request for a new trial later this month, Dawson-Brown said. Their attorneys argued that the failure to disclose Salazar's statement amounted to a "conspiracy" by the Police Department to keep information vital to their defense away from them, she said.

Dawson-Brown said the homicide case review, which she termed an attempt at "damage control" aimed at restoring public confidence, is continuing and will not be complete for several months. Its main focus is to "ensure this

hasn't been part of a pattern," she said. She declined to speculate on whether the probe could result in criminal charges against officers involved if a pattern of misconduct is discovered.

The allegations have rocked the Police Department and represent one of the first tests for its new Police Chief, Elizabeth Watson, who was sworn in earlier this month. Sanders said the department has already taken some measures to ensure that the misconduct is not repeated, including transferring several investigators out of the unit and replacing them with new personnel. He said if the review uncovers other evidence of misconduct, "we'll make appropriate changes."

"At this time, we feel that homicide is conducting their business appropriately. The new people are very conscientious; they're aware of what's happened before," Sanders told LEN.

Sanders said Polanco and other investigators were taking "shortcuts," but would not comment on reports that

Austin police officials had long tried to remove Polanco from the unit because of past allegations of misconduct. Sources who did not want to be identified told LEN that Hispanic city officials protested the transfer and Polanco remained. Few other details about the incident could be obtained by LEN.

"That's a very touchy issue that was between [former] Chief [Jim] Everett and city management. I really don't want to get into that," said Sanders, when asked about the claims.

Zaney, who will represent Polanco before an arbitrator next month, contends that Polanco's punishment is part of a pattern of discrimination against him and other minority officers. Polanco, he said, is extremely popular with the city's Latino community because of his role in solving several high-profile homicides. His zeal to solve cases, Zaney said, got him into trouble with cost-conscious superiors because he would ignore caps on overtime to pursue leads.

In addition, Polanco has drawn the ire of police officials for his efforts against discrimination and racism in the Police Department, Zaney said. He was also suspected of being involved in the leak of a controversial homicide unit report that showed police spent more time investigating murders of whites than those involving Latino or black victims. The report led one high-ranking police official to term homicides involving minority victims "misdemeanor murders," Zaney said.

"Hector was always battling discrimination," Zaney said. "He's made some enemies in the administration. They just want to make him a scapegoat. So our feeling is they jumped on this opportunity."

Zaney said his own interviews with officers in the homicide squad reveal serious shortcomings in training and knowledge of investigative procedures. "They're hard-working guys. They're just trying to solve crimes. They're not out to burn anybody."

Sam Cox, president of the Austin Police Association, said there is plenty of blame to go around for any alleged misconduct and called Earle's singling out of the police "unfortunate."

"I look at [Earle's comments] as a preemptive strike to put the District Attorney's Office in very good stead," he said. "It painted a picture that we have a bunch of people down here who are working outside the framework of the law. To try to indict the entire homicide investigative staff is ludicrous."

If anything, overwork, a lack of resources and pressure from the public to solve murders is to blame for any misconduct in the homicide unit, said Cox, who claimed its personnel level has remained about constant for the past 15 years, while the numbers of cases it processes has doubled and tripled. "Once again, city management expects miracles from an already overtaxed and overburdened police department. This is a nationwide trend."

Double jeopardy:

Friendly-fire shooting of black cop probed

New York Transit Police investigators are still trying to piece together the sequence of events that led to last month's near-fatal "friendly fire" shooting of a black plainclothes officer by two white officers from the agency's anti-crime unit.

The inquiry into the Nov. 17 shooting of Derwin Pannell, a 26-year-old rookie who was hit three times by police bullets and who remained hospitalized at press time, is being complicated by Pannell's refusal to talk to investigators, said Transit Police spokesman Al O'Leary.

"The District Attorney has interviewed all of the police officers involved in the incident, with the exception of Officer Pannell himself," said O'Leary, who added he could offer few details about what is known about the incident because Pannell has filed a

\$50-million lawsuit against the Transit Police Department.

The incident caused Police Chief Michael O'Connor to ban plainclothes assignments for inexperienced officers and order the presence of supervisors on others, and prompted the Guardians Association, an organization of black officers, to urge its members to refuse plainclothes assignments. All of the officers at the scene of the shooting, except Pannell, were white.

At the time of the incident, police speculated that Pannell may have been mistaken for a subway mugger by officers who discovered him holding a suspect at gunpoint. Pannell and his partner, Officer Kenneth Donnelly, who was also in plainclothes, were pursuing two farebeaters. After chasing the pair down a flight of steps leading out of a Brooklyn subway station, Pannell ap-

prehended a female suspect and Donnelly began searching through her pocketbook. The suspect's male companion escaped down a nearby alley.

Two of the three anti-crime officers who came upon the scene — John Napolitano and Robert Green — began shooting. Donnelly yelled at the third officer, Barbara Jesberger: "Barbara, it's me!" By then, three bullets had struck Pannell, two of which were stopped by his bulletproof vest. The other hit him in the neck.

Police say up to 21 bullets were fired by the two officers, who were armed with a 9-mm. pistol and a .38-caliber revolver. Jesberger did not fire. Neither Napolitano nor Green had ever fired their weapons on duty, they said.

Eric Adams, who heads the Transit Police Guardians Association, said the incident illustrates the danger facing

black officers, particularly those in plainclothes. "Too many people in this department can't tell a black cop from a black criminal. The reason is they haven't been properly trained."

O'Leary told LEN that O'Connor has already acted on the concerns voiced by Adams and others, by adding a new segment to its existing plainclothes training. "The goal is to get people thinking upfront about the risks that they take in plainclothes, particularly those taken by minority officers," he said.

Some minority officers are so convincing in their plainclothes assignments that they could conceivably be mistaken for criminal suspects, he said.

Another factor that could have led

to the incident is the problem of the "symbolic perpetrator," O'Leary said. Repetitive descriptions of minority suspects constantly heard by officers may lead them to "respond to this symbolic assailant," he said.

"During the 1960's, it was male, white, long hair, love beads. Now it's teen-aged male black, teen-aged male Hispanic," said O'Leary. "What it does is place minority officers at greater risk than anybody else in plainclothes, and the ones who are particularly effective in blending in run an even greater risk."

O'Leary said the department had seen no appreciable decline in the numbers of officers willing to take on plainclothes assignments.

Deputies' bang-up job of driving prompts a refresher course

Continued from Page 1

heads to remember what the environment is, what their ability is and what the vehicle's ability is."

Because the 800-employee agency can't accommodate more than two students in the program at one time, deputies have the option of pursuing it on their own time, Matheny said. Officers involved in three or more accidents in the past two years are being asked to take the course. Eventually, about 50 to 75 of the 250 deputies assigned to patrol cars will have completed the training, which will continue through most of next year. "I want to make sure everybody has had a second turn around, especially those who have shown a propensity for banging up cars," Matheny said.

The agency is also looking into whether the design of the Chevrolet Caprice, the model that comprises the bulk of the patrol fleet, is a factor in the accidents. "They have some rounded corners that may add to the number of blind spots in the car," Matheny pointed out.

Matheny said reinstituting the driving program, which had been suspended because the agency had no open spaces available to set up obstacle courses, was done with a wary eye on the ap-

proach of winter.

"We weren't into bad weather when these accidents happened," he observed. "We were shuddering to think what would happen during the first snowstorm. We always get a few fender-benders then."

The parking lot of a closed General Motors plant in Pontiac is being used to set up obstacle courses for the refresher training, Matheny added.

PD finds a picture can be worth 1,000 words — of angry criticism

A Southern California police department has come under fire for compiling photos and records of people suspected of criminal gang activity—a practice that some critics charge unfairly singles out Asian-American youths for police harassment.

The Los Angeles Times reported last month that the American Civil Liberties Union is trying to gain access to files compiled by the Fountain Valley Police Department to determine whether the agency violated the civil rights of Asian-Americans who were photographed without permission for a police file of suspected gang members.

Police Chief Elvin Miali said his agency, like many others in Orange County, uses the mugshots as a tool to track the activities of suspected gang members and that consent is obtained before the shots are taken.

The practice has spurred the formation of a grass-roots coalition, the Orange County Asian-American Youth Alliance, which has begun circulating a petition calling for Fountain Valley

police to end the practice of photographing youths in public without making an arrest. It is also calling for the release of files for which the photographs were ostensibly taken.

The coalition has received the support of some established community organizations, including the local chapter of the Japanese-American Citizens League, and has attracted the attention of civil libertarians.

"We do think the rights of young men, particularly young minority men, have been abused by the practice of putting their photos in a police mug book," said Paul Hoffman, legal director for the ACLU of Southern California, in an interview with The Times.

Fountain Valley police maintain that the photos are taken only with the verbal consent of the subject or upon arrest, but some Asian-American youths say that is not always the case.

"They're trying to say Asian is synonymous to gang," said JoAnn Kanshige, whose sons filed complaints against the Police Department because

of the practice. "These kids are dressed as well as the *hakujin* [Caucasian] kids, yet the Asian kids seem to be pulled over more often."

Kanshige's sons, Mark, 25, and Jason, 18, say they have been stopped by officers without probable cause—actions that prompted them to form the coalition to fight the practice.

Chief Miali said that the Fountain Valley mug file is kept only for gang intelligence purposes and is not shown to the public. Only booking photos, are shown to crime victims, he told The Times. He added that officers do not have to ask permission to take the photos, but he requires consent as a matter of department policy.

The practice has already been abandoned by at least one California police agency. The San Jose Police Department scrapped a similar mug book last year after community leaders denounced it as illegal and racially insensitive. The mug file was begun to help solve a rash of violent home invasions in the Vietnamese community.

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NYPD orders changes in internal affairs

After months of corruption allegations that suggested the New York City Police Department had lost the ability to effectively police itself, Police Commissioner Raymond Kelly last month ordered wide-ranging changes in the way the agency investigates and exposes corrupt officers.

The sweeping changes in internal affairs procedures — including the elimination of field internal affairs units in favor of a single, centralized Internal Affairs Bureau, better surveillance equipment, more investigators, and an upgraded computer system for tracking corruption complaints — are said to be the first since the department's internal policing system was established in the early 1970's following the Knapp

Commission's exposure of systemic corruption in the agency.

Soon after the changes were announced, Kelly appointed a veteran law enforcer with a reputation as a corruption fighter to become his first deputy commissioner. John S. Pritchard 3d, the Inspector General for the Metropolitan Transit Authority who is also a former FBI agent and New York police detective, was named to the post Dec. 3.

Pritchard, 49, said he has devoted most of his career to "rooting out corruption," and his appointment was seen by some observers as a means of shoring up the changes in the department's internal affairs system. Pritchard, who is black, will also oversee minority recruiting, and will be instrumental in

carrying out Kelly's objective of bringing more minority officers on the 27,500-officer force.

Kelly, who outlined the changes in internal affairs during a Nov. 16 news conference, readily admitted that the system was "clearly is not functioning as it should. This is the type of thing that happens in a bureaucracy when there's no monitoring of a system that's been in existence 20 years."

The changes include elevating the status of the Internal Affairs Division to that of a full bureau, equivalent in the department hierarchy to the patrol and detective bureaus. It will be expanded and centralized — replacing the field units currently in place — and augmented with new and better-coordinated investigative teams, Kelly said. More personnel will be allocated to the new unit, as will more unmarked cars and advanced surveillance equipment, and a new computerized information system will be booting up that will allow the storing of all corruption-related data received by the department.

Robert Beatty, Chief of the Inspectional Services Bureau which currently oversees the Internal Affairs Division, will head the new Internal Affairs Bureau, reporting directly to Kelly, and will be charged solely with investigating police corruption. The Commissioner also named Deputy Chief Michael J. Philbin, the current commanding officer of the Internal Affairs Division, to assist Beatty in organizing the new unit.

The changes will help refocus the

department's efforts against corruption, said Kelly. "The very structure that so brilliantly protected this department from corruption has become unbalanced and in need of significant change. It is time to retool for the 1990's," the Commissioner said.

Details of the reorganization will be worked out by an implementation committee named by Kelly, which will report to him at 30-day intervals for the next three months. The committee will have 10 members and will include at least two persons from outside the department — a representative of McKinsey & Company, a systems analysis consultant, and John Glover, a former assistant director of the Federal Bureau of Investigation.

The changes outlined by Kelly were included in a 170-page report to Mayor David N. Dinkins that was the result of a five-month probe into the department's handling of the case of Michael Dowd, a former Brooklyn police officer who was arrested with five others last May on charges of operating a major cocaine-trafficking ring in New York City and Long Island. The Dowd case embarrassed the department because the rogue officer was arrested by Suffolk County, L.I., police, even though he had been under suspicion by the NYPD Internal Affairs Division since 1985. [See LEN, June 30, 1992.]

[Two former New York City police officers were sentenced Nov. 16 for their roles in the cocaine ring allegedly managed by Dowd and two other former officers. Kevin Hembury, 28, was

sentenced to two to six years in prison, and Philip Carlucci, 31, was sentenced to three to nine years in prison. Both had pleaded guilty to attempted conspiracy. They were accused of pooling money to buy cocaine in New York City for resale in Suffolk County.]

The report to the Mayor said the Dowd case "illustrates a series of missed opportunities, a failure of coordination and the shortcomings of an internal investigative system built on overlapping responsibility and bifurcated authority." But it added that there was "no indication that the department's investigation of Dowd had been interfered with or intentionally undermined."

The report said the Internal Affairs Division did not provide adequate supervision for the Brooklyn field unit investigating allegations that Dowd was buying, using and selling drugs — often while on duty. Kelly pointed out that the division, which handles only the most serious allegations of misconduct, may have been overwhelmed by its caseload. About 20 investigators handle an average of 350 cases, he said. "I think a lot of the problems in field units had to do with lack of resources and lack of people."

"There's no heroes in this report. I don't think it's clear who is accountable here," Kelly added.

Still to come is a report by an independent commission appointed by Dinkins and headed by Milton Mollen, the former Deputy Mayor for Public Safety. Its findings are not expected for several more months.

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Hot enough for you?

A cold, hard look at "The Hot House"

The Hot House: Life Inside Leavenworth Prison.

By Peter Earley.

New York: Bantam Books, 1992. 383 pp., \$22.50.

By William Burger

Peter Earley's latest book offers a refreshing examination of current correctional practices. Unlike other books that either praise or condemn correctional practices, Earley's is a straightforward attempt to describe life in a maximum-security Federal penitentiary.

Earley investigated life inside America's oldest Federal prison, Leavenworth. Earley's examination comes without any particular ideological trappings. He neither apologizes for the inmates' plight nor does he try to evoke sympathy from the reader. Moreover, Earley avoids falling into the trap that has ensnared others when it comes to portraying the correctional officers—that of describing officers' behavior as only slightly more civilized than that of the inmates. Finally he does not call into question the legitimacy of penal institutions. Earley's book is exactly what the title suggests: an examination of the everyday life of inmates and officers at Leavenworth.

Earley is not a social scientist; rather he was a reporter for The Washington Post, and previously wrote the best-selling "Family of Spies: Inside the John Walker Spy Ring." In "The Hot House," he appeals to those who are interested in crime. Not only will students of crime find the book rewarding, but so will those interested in the complex field of prison management.

The book zeroes in on the lives of six white inmates at Leavenworth. Five of these inmates had civilian occupa-

tions in the financial field—they were bank robbers. Two of the five were more than bank robbers, having been sent to Leavenworth because of murders they committed during robberies. The sixth inmate was serving a 15-year term for armed robbery. However, while this inmate was serving that sentence he was responsible, by his own admission, for the killings of another inmate and a correctional officer at the Federal prison in Marion, Ill. Earley was granted unlimited access to the institution and was able to interview each of these prisoners frequently. These conversations form the basis of the work.

Three additional characters in the narrative are two white correctional officers and the newly appointed black warden. The book examines the trials and tribulations each of these men faces in dealing with the "ordinary" residents of Leavenworth. However, as the book unfolds the arrival of Cuban prisoners from the Federal prison in Atlanta adds fuel to an already volatile environment. This influx of new inmates sets the stage for an even more compelling examination of the prison environment.

One of Earley's stated goals in writing "The Hot House" was to understand the inmates and the officers—that is, to understand life in a maximum-security institution. However, because Earley is not a social scientist, his analysis of the social structure in this particular prison is not as tight as it could have been. Although he states that he wants to examine the social structure of the institution, he fails to accomplish this task. There is not the depth of analysis that can be found in some other works describing penal institutions.

An additional weakness of the book is that the chosen inmates are all white. Only in passing does Earley make any reference as to how blacks adapt to

Leavenworth. Nonetheless, even though relying entirely on white inmates, Earley does present some information to assist the reader in understanding the racial hostility that exists within this institution. Periodic references by the inmates to the Aryan Brotherhood, which was established in the 1970's in San Quentin prison, ostensibly to protect white inmates from black and Hispanic gang violence, provide vivid evidence of the racial animosities that exist in Leavenworth.

The world of the correctional officers is examined through the eyes of two seasoned veterans. One, a decorated Vietnam veteran, deals with the average Leavenworth inmate impartially and maintains order through the strict enforcement of the rules. The second officer, the humanitarian, is asked to assume command of one wing of the prison that now holds the Cuban inmates transferred in from the riot-torn Atlanta prison. His job is to establish order where none previously existed. The techniques he uses to derive order from chaos provide an example of how individuals can innovate even in an arena where this form of behavior is not always encouraged or rewarded.

"The Hot House" is more than worth

the time it takes to read. The book is well written, with some parts even riveting. Earley's conversations with members of the Aryan Brotherhood give the reader a sense of actually participating in the conversation.

Students of management will also be well served by reading this book. Earley's account of the trials and tribulations that confront a new warden may be seen as applicable to the problems facing any new manager, regardless of the milieu in which change occurs. However, to make things even more complicated, the new warden is the first black to serve as the head of this institution, and early in his tenure the riots at the Atlanta penitentiary lead to a large number of Cuban criminals being dumped into Leavenworth—a facility located in rural Kansas, where Spanish-speaking officers are in critically short supply. The techniques used by the warden's chosen staff member to deal with this situation could serve as a guide for institutions experiencing similar changes.

Earley's book also documents some of the problems that every correctional institution faces. Among these is how one creates an environment in which inmates do not simply progress from

bad to worse. This dilemma is illustrated in the case of one inmate sentenced for robbery, who, while incarcerated, becomes involved with the Aryan Brotherhood. Eventually the inmate is released, only to be rearrested. However, during this new imprisonment he commits a murder, and as a result will remain behind bars for the rest of his life. Another story illustrates some of the failures of contemporary correctional practice, as Earley recounts the experiences of a long-term inmate who is finally paroled. The description of the inmate's efforts at readjustment should sound the alarm that something needs to be done before we release an inmate back into the community.

Earley is no do-gooder blaming the system, but rather he points out frankly the problems that correctional institutions face. On balance, his book earns high recommendation. Anyone interested in prisons, whether as practitioner, scholar or student, should read this book and heed the warnings implicit therein.

(William Burger is a professor of sociology at Longwood College in Farmville, Va.)

Born to the mob, yet a smart cop proves he's no wiseguy

Mafia Cop.

By Lou Eppolito and Bob Drury. New York: Simon & Schuster, 1992.

251 pp., \$22.00.

By John Hill

In 1969, Louis Eppolito graduated from the New York City Police Academy and was assigned to patrol duty in the 63rd Precinct in Brooklyn. Lou was no ordinary cop. In his first year on patrol he was involved in two shoot-outs. He quickly began to stand out at the 6-3.

Lou was also different from the typical New York City police officer in that some of his relatives belonged to the Gambino organized crime family.

Young Louis Eppolito was raised in a Mafia environment. His father was

Ralph "Fat the Gangster" Eppolito, a second-generation wiseguy. Ralph taught Louis honor and respect with a strict, heavy-handed upbringing. Louis was imbued with a sense of honor that would guide him the rest of his life.

By the time Louis had graduated from high school in 1966 he was fully acquainted with the Mafia way of life. He accompanied his father on book-making pickups. He learned that his father became a "made man" by killing an informant. He met many well-known members of the Gambino crime family, including Joe Profaci, Johnny "Bath Beach" Oddo, and Don Carlo Gambino himself.

As a young man, Lou chose not to follow in his father's footsteps. He declined Mafia job offers, and the Mafia way of life, and entered the New York City Police Academy. "I spent six months in the academy," he recalls, "and at times it got pretty weird. Once, during homicide class, the instructor unveiled a chart full of mug shots signi-

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(John Hill is a police officer in Middletown, N.J. He is currently a graduate student at Jersey City State College.)

It's time to get rid of a CJ anachronism

Continued from Page 6

professional judges; we have professional lawyers to represent both sides who have unlimited access to well-established case law. There exists an almost unlimited right to call witnesses on behalf of the accused. If the accused cannot afford a lawyer, one will be provided at public expense. Undoubtedly people will point to individual cases to contradict my position, but such examples focus on human error. The system itself is sound. Certainly there are jurists unworthy of their office, but such is life. As Mark Twain said, "The human race is a flawed race. It is the only species that can blush, and the only one that needs to." Indeed, if juries were abolished, the need for competent people to sit on the bench would be accentuated.

2) Contemplate paying the plumber to fix a broken pipe, whereupon he tells you what to do and then hands you the tools to do the job yourself. That is exactly what happens when the case is handed over to the jury. The justice system is the only institution I know of that takes the matter out of the hands of the expert and places it in the hands of the amateur. It takes years to educate a lawyer and more years again to gain the experience necessary to analyze and

weigh evidence before being appointed as a judge. Some trials go on for months. Often dozens of witnesses and scores of exhibits are involved. There may be thousands of pages of testimony taken. At the end of it all, when all of the exhibits have been examined and mountains of case law have been argued back and forth, after the judge has spent many hours summarizing the evidence and explaining the law to the jury (in a recent case in Canada, where the system is much less cluttered than in the U.S., this summation took two full days), the whole matter is dropped in the laps of 12 lay people who are invariably intimidated and overwhelmed by it all.

3) Because it is so easy for the judge to err while summarizing the case and explaining their job to the jurors, jury trials generate the vast majority of appeals. The single most common cause for appeal in jury trials is a flawed explanation of what constitutes a reasonable doubt — something that defies exactitude by anyone. In non-jury trials, the judge doesn't have to explain these things to himself.

4) Trial by peer has been stood on its head. It was introduced to prevent personal vendettas by the monarch. Many an aristocrat lost his land on trumped-

up charges. Trial by peer was introduced to prevent unjust convictions. The Rodney King case demonstrates they are now employed to produce unjust acquittals.

5) Each trial is a one-shot deal for jurors. There is no way of knowing how competent they are until after verdict. By then it is too late to right any wrong done. As well, jurors are unaccountable to anyone for their verdict. Neither do they have to give written or oral reasons for their verdict. Judges, as flawed as some might be, must face the public on an ongoing basis. They are required (by convention) to justify their decision and give long written explanations. These explanations can then be scrutinized by both sides. If a judge's decisions are too irrational, too often, they can be removed from office. As well, they face the professional scrutiny of their peers everyday.

6) Jury trials are much longer, more costly, and can be very disruptive to family and employer.

The Rule of Law doctrine is the rock upon which democracy is built. Citizens are expected to know the law; ignorance of the law is no defense to a crime. That being the case, the law must be accessible and understandable to the common person. Above all, the

law must be constant and dependable. In light of the King case, would someone please now define excessive force for me?

And to my fellow police officers who applauded the King verdict, contemplate this. In life, we reap what we sow. Rodney King could have been you or me being pounded by criminals. Would we applaud an acquittal now? I doubt it. Are the people who brutalized the truck driver, so graphically cap-

tured on television, innocent? Not in my book. But they too will want a jury — an African-American one from South Central Los Angeles!

Time overtakes all things. Juries are an anachronism. Their reason for being has disappeared. The rationale of "we do it this way because we have done it this way for hundreds of years" rings hollow in light of the King verdict. It's time our justice system caught up with reality.

Forum: Oregon city's im-pound of prevention

Continued from Page 6

countered these allegations by pointing out that the ordinance discriminates only against those persons who drive in violation of the law, and by showing statistically that at night, when a police officer cannot identify a driver by race before the stop, the proportion of cars towed from Hispanic drivers is 36 percent — almost exactly the same. In recent months, no further allegations of discrimination have been made.

Since our ordinance provides only for a temporary impound of the vehicle, not a seizure, we seem to have avoided the "taking property without compensation" issue sometimes raised by constitutional lawyers.

Our Portland colleagues have taken

up their own version of this ordinance, and several other jurisdictions are considering it. In addition, there is considerable talk around the state that this ordinance should become state law. Insurance companies, whose losses from uninsured drivers are in the 70-percent range, support the ordinance, and a nationwide insurance organization will be meeting with us in early December to evaluate it. If accident rates drop, as we anticipate, insurance rates for our citizens will drop as well.

It appears that our ordinance has met its goals, and that both the citizens of Gresham and their police officers are pleased by its effectiveness. We welcome communication from other agencies with interest in our program.

A cop born to a mob family

Continued from Page 9

fying the Gambino crime family. After the bell rang, one of my classmates call me over to the blackboard and pointed to a mug shot. 'Look, Lou, this guy has the same last name as you.' His mouth dropped open when I told him that he was pointing to my old man."

Eppolito's story provides a rare look at the inner workings of two complex organizations — the New York City Police Department and La Cosa Nostra. Loo served his city with distinction. He earned two medals of honor and a variety of other commendations for valor, making him one of the most highly decorated officers on the job.

As a policeman, Lou steered clear

of his family in the mob, and other members of organized crime. He even turned down choice assignments in narcotics and homicide to avoid dealing with organized criminals.

In 1979, Lou's uncle and cousin were killed in a gangland-style execution. Lou came under the suspicion of the NYPD Internal Affairs Division. He was working as a detective in his old neighborhood, and his name kept appearing in surveillance reports.

On March 16, 1984, a copy of a confidential police file on organized crime was found at the home of gangster Rosario Gambino. The file had Lou's fingerprints on it. This incident quickly became a media event. An in-

ternal investigation followed, and on Nov. 28, 1984, Lou was suspended without pay.

Many officers gave Lou their full support. On April 4, 1985, Lou Eppolito was acquitted of all charges against him. He returned to work and was promoted to second-grade detective three years later. Feelings of bitterness, and of betrayal by some of his fellow cops, plagued him until he retired in 1989.

The debate on whether Detective Eppolito was really guilty of any wrongdoing may never be resolved in the minds of some of those involved. But one fact is clear: This is a fascinating story, providing rare insight into two very interesting organizations.

EXECUTIVE DIRECTOR Commission on Accreditation for Law Enforcement Agencies Inc. Fairfax, Virginia

Background: The Commission on Accreditation for Law Enforcement Agencies Inc. (CALEA) was formed in 1979 through the combined efforts of the International Association of Chiefs of Police (IACP), National Organization of Black Law Enforcement Executives (NOBLE), National Sheriffs' Association (NSA) and Police Executive Research Forum (PERF). CALEA is a private, nonprofit, tax-exempt corporation, and is not part of any governmental entity. Twenty-one commissioners — 11 law enforcement professionals and 10 representatives from the public and private sectors — form the Board of Directors, which appoints the Executive Director. CALEA's goal is to improve the delivery of law enforcement services by administering a process through which law enforcement agencies can demonstrate voluntarily that they meet certain professional standards.

Principal Responsibilities: The Executive Director implements the policies of the Commission and serves as chief administrator of its 10-member staff. Duties fall into four general areas of responsibility: 1) Support the Commission's decision-making activities and ensure that Commission decisions are fully and faithfully executed; 2) Act as spokesperson for the Commission to the law enforcement community, media, professional associations, and other interested groups or persons; 3) Further the Commission's goals and objectives by interacting with government and private-sector entities; and 4) Direct the day-to-day operations of the Commission.

Qualifications: Progressively responsible professional experience directly related to law enforcement. Minimum of a bachelor's degree in public or business administration, criminal justice, or a closely related discipline is required. Demonstrated ability to lead an evolving organization. Experience in fund development and grantsmanship, budget and finance, state and local government, and program administration. Skills in problem-solving, long-range planning, and goal-setting. Demonstrated ability to work effectively in the political process and with a board of directors. Substantial knowledge of the accreditation process and standards; current law enforcement trends and research; and modern law enforcement principles and styles, such as community/problem-oriented policing.

Salary and Benefits: Salary is negotiable from \$75,000 per year. Excellent benefits package.

To Apply: Send a letter of application, resumé, and five professional references to: Edward T. Laine, CALEA Search Committee Chair, Texas Commission on Law Enforcement, 1033 LaPosada, Suite #175, Austin, TX 78752. Direct inquiries to Mr. Laine at (512) 406-3615. Application deadline is Jan. 15, 1993. EOE.

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Upcoming Events

JANUARY 1993

20-22. **Police Planning, Resource Development & Grant Writing.** Presented by Rollins College. To be held in Orlando, Fla. Fee: \$225.

20-22. **DUI Standardized Field Sobriety Testing.** Presented by the Institute of Police Technology & Management. To be held in Pensacola, Fla. Fee: \$325.

21-22. **Public Safety Radio Dispatchers' Seminar.** Presented by the University of Delaware. To be held in Brentwood, N.H. Fee: \$275.

21-22. **Approaches to the Conduct of a Financial Crime Investigation.** Presented by the University of Delaware. To be held in Cherry Hill, N.J. Fee: \$350.

24-28. **Criminal Investigator Course.** Presented by the National College of District Attorneys. To be held in Reno, Nev.

25-26. **Communication Center Call-Taker/Dispatcher Telephone Interviewing Techniques.** Presented by the University of Delaware. To be held in Cherry Hill, N.J. Fee: \$275.

25-29. **Lasers & Alternate Light Sources in Detecting Physical Evidence.** Presented by Rollins College. To be held in Orlando, Fla. Fee: \$325.

25-29. **Interviews & Interrogations.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$425.

25-29. **Supervising a Selective Traffic Law Enforcement Program.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$450.

25-Feb. 12. **Command Training Program.** Presented by the New England Institute of Law Enforcement Management. To be held in Wellesley, Mass.

28-29. **Street & Highway Procedures in the Interdiction of Drugs & Narcotics.** Presented by the University of Delaware. To be held in Wilmington, Del. Fee: \$275.

FEBRUARY

1-2. **Drug & Narcotics Investigation.** Presented by the University of Delaware. To be held in Brewster, N.Y. Fee: \$285.

1-3. **Firearm Alternative Survival Tactics.**

Presented by Modern Warrior Inc. To be held in Lindenhurst, N.Y. Fee: \$250.

1-5. **Covert Electronic/Undercover Techniques.** Presented by the National Intelligence Academy. To be held in Fort Lauderdale, Fla. Fee: \$650.

1-5. **Police Internal Affairs.** Presented by the Institute of Police Technology & Management. To be held in Phoenix. Fee: \$425.

1-5. **Undercover Drug Enforcement Techniques.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$395.

1-12. **Advanced Traffic Accident Investigation.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$575.

1-12. **At-Scene Traffic Accident/Traffic Homicide Investigation.** Presented by the Institute of Police Technology & Management. To be held in Lake Worth, Fla. Fee: \$575.

3-5. **Arrest, Search & Seizure: An Update.** Presented by Rollins College. To be held in Orlando, Fla. Fee: \$250.

4-5. **Managing Your Detective Unit.** Presented by the University of Delaware. To be held in Wilmington, Del. Fee: \$335.

4-6. **Asset Forfeiture.** Presented by the National College of District Attorneys. To be held in San Francisco.

8-9. **Drug & Narcotics Investigation.** Presented by the University of Delaware. To be held in Cherry Hill, N.J. Fee: \$285.

8-9. **Criminal Investigative Analysis.** Presented by the University of Delaware. To be held in New Castle, Del. Fee: \$325.

8-12. **Forensic Animation of Traffic Crashes.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$795.

8-12. **Seminar for the Senior FTO.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$450.

8-12. **Crime Scene Technician Seminar.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$425.

8-12. **Police Traffic Radar Instructor.** Presented by the Institute of Police

Technology & Management. To be held in Jacksonville, Fla. Fee: \$425.

8-12. **Basic Telephone Systems I.** Presented by the National Intelligence Academy. To be held in Fort Lauderdale, Fla. Fee: \$650.

8-March 5. **Police Traffic Management.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$995.

9-11. **Death/Homicide Investigation.** Presented by the University of Delaware. To be held in Braintree, Mass. Fee: \$325.

9-11. **Understanding Body Language in the Interview/Interrogation Process.** Presented by the University of Delaware. To be held in Owings Mills, Md. Fee: \$400.

10-12. **Street Survival '93.** Presented by Calibre Press. To be held in Atlantic City, NJ. Fee: \$159 (all three days); \$135 (first two days only); \$85 (third day only).

10-12. **Managing the Detective Unit.**

Presented by Rollins College. To be held in Orlando, Fla. Fee: \$250

14-18. **Trial Advocacy.** Presented by the National College of District Attorneys. To be held in New Orleans.

15-19. **Verbal Judo: Train the Trainer.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$495.

15-19. **Advanced Telephone Systems II.** Presented by the National Intelligence Academy. To be held in Fort Lauderdale, Fla. Fee: \$650.

15-26. **Traffic Accident Reconstruction.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$595

22-26. **Tactical Electronic Operations.** Presented by the National Intelligence Academy. To be held in Fort Lauderdale, Fla. Fee: \$650.

22-26. **New Investigators' Institute.** Presented by the University of Delaware. To be held in Cherry Hill, N.J. Fee: \$475.

22-26. **Homicide Investigation.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$425.

22-26. **Criminal Patrol Drug Enforcement.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$425.

23-25. **Street Survival '93.** Presented by Calibre Press. To be held in Savannah, Ga. Fee: \$159 (all three days); \$135 (first two days only); \$85 (third day only).

24-26. **Advanced Interview Techniques.** Presented by the University of Delaware. To be held in Wilmington, Del. Fee: \$350.

24-26. **The Police, the Community & Professional Standards.** Presented by Rollins College. To be held in Orlando, Fla. Fee: \$225

IACP decides to go it alone in analyzing accreditation

Continued from Page 3

newsletter, Nelson said he was "surprised by the tone of some of the information in [Vaughn's] message." He went on to dispute claims about "the low level of interest in accreditation," pointing out that more than 900 agencies are either accredited or in the process.

"Other than perhaps the Uniform Crime Reporting program, I cannot think of another law enforcement effort, either national or international, in which so many agencies participate," Nelson said.

Vaughn's letter also sparked a response from the executive director of PERF, Darrel W. Stephens, which appeared in PERF's newsletter, "Subject to Debate." Stephens said that while the questions raised by IACP "are legitimate inquiries," he took issue with the amount of time allotted to the panel to review the process and make its conclusions. He also pointed out that the IACP governing body "did not seek representation from each of the four founding organizations, nor did it seek the full cooperation of CALEA," and did not include input from the academic community.

The formation of the panel, he wrote, should serve as a "wake-up call to everyone directly or indirectly involved or affected by CALEA—a reminder of the importance of paying attention to a process that impacts us all."

Current IACP president Steven Harns, the Police Chief of Redmond, Wash., said that while Vaughn's "clarion call" may have rankled some, "I think it is important that it was written."

"I feel strongly about accreditation, but we need to get more people involved, so let's look at a way to enhance that," Harns told LEN. "I can see some good things coming out of this."

Changes were made in the panel in an apparent effort to address some of the concerns expressed by Nelson, Stephens and others. The date on which the panel was to report its findings was pushed back from October to February. And two new members—Oak Harbor, Wash., Police Chief Thomas A. Miller and Scarsdale, N.Y., Police Chief Donald W. Ferraro—were named to the panel, Rosenblatt said, joining former IACP president Francis Looney, who is its chair; Kansas City, Mo., Police Chief Steven Bishop; Commis-

sioner James Moore of the Florida Department of Law Enforcement; Anaheim, Calif., Police Chief Joseph Molloy, and Charles Rinkewitch, director of the Federal Law Enforcement Training Center.

At least three of the members—Ferraro, Miller and Moore—head CALEA-accredited agencies.

Among those present at the Dec. 3 meeting were Nelson, who is Police Chief at the University of California's San Francisco campus, and Richard F. Kitterman Jr., who was named CALEA's acting executive director following the sudden death last month of Kenneth Medeiros.

Nelson told LEN that discussions centered on "four areas of concern": the commission's finances; accreditation standards and procedures, and the selection process for CALEA's 21-member Board of Commissioners.

In response, he noted that, like many other organizations, CALEA has felt the pinch of the prolonged nationwide recession, and has taken a number of steps to keep expenses down and made changes in the payment schedule of accreditation fees. The commission is also looking at the possibility of consolidating some standards and examin-

ing whether agencies of varying sizes should be compelled to meet all of the 900-plus standards.

CALEA officials are also reviewing the selection process of the Board of Commissioners—composed of 11 law enforcement officials and 10 elected officials—"to make sure we're getting the people that we need," Nelson added.

"One of the things we always try to impress on people is the fact that it's important that they get through the process," Nelson told LEN. "We don't get anything if they can't make it through one way or another. It's important to us for them to make it. So we have to continually look at the process to make sure we're getting what we want out of it. The whole idea is to improve law enforcement. If one agency doesn't get through the process, we're not really improving law enforcement. So it's important that the standards fit the job."

Rosenblatt stressed that the panel's review is being undertaken out of the recognition that CALEA is "a valuable initiative for the law enforcement community."

"If there are problems, we want to correct them and see if we can strengthen the commission, the accreditation process and the standards," he said.

For further information:

Calibre Press, 666 Dundee Rd., Suite 1607, Northbrook, IL 60062-2727. (800) 323-0037.

Institute of Police Technology & Management, University of North Florida, 4567 St. Johns Bluff Rd. So., Jacksonville, FL 32216. (904) 646-2722.

Institute of Public Services, 961 Chestnut St., S.E., Gainesville, GA 30501 1-800-235-4725.

Richard W. Kobetz & Associates Ltd., Arcadia Manor, Rte. 2, Box 3645, Berryville, VA 22611. (703) 955-1128.

Modern Warrior Inc., 711 N. Wellwood Ave., Lindenhurst, N.Y. 11757. (516) 226-8383.

National Association of Certified Fraud Examiners, Attn: Curtis A. Garner, Conference Coordinator, 716 West Ave., Austin, TX 78701. 1-800-245-3321.

National College of District Attorneys, University of Houston Law Center, Houston, TX 77204-6380. (713) 747-NCDA.

National Crime Prevention Institute, Shelby Campus, University of Louisville, Louisville, KY 40292. (502) 588-6987.

National Intelligence Academy, 1300 N.W. 62nd St., Fort Lauderdale, FL 33309. (305) 776-550. Fax: (305) 776-5005

New England Institute of Law Enforcement Management, P.O. Box 57350, Babson Park, MA 02157-0350. (617) 239-7033.

NIS Inc., P.O. Box 1932, North Little Rock, AR 72115. (501) 374-8565. Fax: (501) 374-0843.

Northwestern University Traffic Institute, 555 Clark St., P.O. Box 1409, Evanston, IL 60204 1-800-323-4011

Quantico Group Associates Inc., 3904 Lansing Court, Dumfries, VA 22026-2460. (703) 221-0189. Fax: (703) 221-3836.

Rollins College, Public Safety Institute, 1000 Holt Ave., #2728, Winter Park, FL 32789-4499. (407) 647-6080. Fax: (407) 647-3828.

Southwestern Law Enforcement Institute, P.O. 830707, Richardson, TX 75083-0707. (214) 690-2370.

University of Alabama in Huntsville, Division of Continuing Education, Attn: Christie Miller, Conference Coordinator, Science Building, Room 129, Huntsville, AL 35899. (205) 895-6372. Fax: (205) 895-6760.

University of Delaware, Division of Continuing Education, Attn: Jacob Haber, 2800 Pennsylvania Ave., Wilmington, DE 19806. (302) 573-4487.

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Ill-gotten gains?

Homicide convictions — and several dozen pending murder cases — may be endangered as charges of serious police misconduct erupt in Austin, Tex. Observers find plenty of blame to be shared. **Page 1.**

The faces of sexual harassment:

Offenders can be male or female, as can their victims. In two separate cases, a police chief (male) and a sheriff's deputy (female) lose their jobs amid allegations of improper and harassing conduct. **Page 3.**

The jury is out(dated):

So says a veteran Canadian police superintendent, who argues that the original reasons for having jury trials have ceased to hold water. It's time, he says, for the jury system to be abandoned. **Forum, Page 6.**

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